

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

ZURI SANA-KABISA YOUNG,)	NO. ED CV 23-436-ODW(E)
)	
Petitioner,)	
)	
v.)	ORDER OF DISMISSAL
)	
R. L. JOHNSON, CDCR, ET AL.,)	
)	
)	
Respondents.)	
)	

On March 13, 2023, Petitioner filed a "Petition for Writ of Habeas Corpus by a Person in State Custody." The Petition challenges a 1998 San Bernardino Superior Court criminal judgment (Petition at 2). Petitioner previously challenged this same Superior Court criminal judgment in a federal habeas petition, which was filed in 2001 and denied with prejudice in the same year. See Young v. Terhune, ED CV 01-474-GLT(E).

The Court must dismiss the present Petition in accordance with 28 U.S.C. section 2244(b). Section 2244(b) requires that a petitioner seeking to file a "second or successive" habeas petition first obtain

1 authorization from the court of appeals. See Burton v. Stewart, 549
 2 U.S. 147, 157 (2007) (where the petitioner did not receive
 3 authorization from the Court of Appeals before filing second or
 4 successive petition, "the District Court was without jurisdiction to
 5 entertain [the petition]"); Barapind v. Reno, 225 F.3d 1100, 1111 (9th
 6 Cir. 2000) ("the prior-appellate-review mechanism set forth in
 7 § 2244(b) requires the permission of the court of appeals before 'a
 8 second or successive habeas application under § 2254' may be
 9 commenced"); see also Rule 9 of Rules Governing Section 2254 Cases in
 10 the United States District Courts. A petition need not be repetitive
 11 to be "second or successive," within the meaning of 28 U.S.C. section
 12 2244(b). See, e.g., Thompson v. Calderon, 151 F.3d 918, 920-21 (9th
 13 Cir.), cert. denied, 524 U.S. 965 (1998); Calbert v. Marshall, 2008 WL
 14 649798, at *2-4 (C.D. Cal. Mar. 6, 2008). Petitioner evidently has
 15 not yet obtained authorization from the Ninth Circuit Court of
 16 Appeals.¹ Consequently, this Court cannot entertain the present
 17 Petition. See Burton v. Stewart, 549 U.S. at 157; see also Dews v.
 18 Curry, 2008 WL 590476, at *3 (E.D. Cal. Feb. 29, 2008) (without Court
 19 of Appeals' authorization, "this court lacks jurisdiction to consider

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 25 ¹ According to the docket of the United States Court of
 26 Appeals for the Ninth Circuit, available on the PACER database,
 27 no individual named Zuri Young has obtained an order from the
 28 Ninth Circuit permitting the filing of a successive habeas
 petition in this Court. See Mir v. Little Company of Mary Hosp.,
 844 F.2d 646, 649 (9th Cir. 1988) (court may take judicial notice
 of court records).

1 the petition").²

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3 For the reasons discussed above, the Petition is denied and
4 dismissed without prejudice.

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6 LET JUDGMENT BE ENTERED ACCORDINGLY.

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8 DATED: March 16, 2023.



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11 OTIS D. WRIGHT II
UNITED STATES DISTRICT JUDGE

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13 PRESENTED this 15th day
14 of March, 2023, by:

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16 /s/
17 CHARLES F. EICK
UNITED STATES MAGISTRATE JUDGE

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26 ² This Court has rebuffed several previous attempts by
27 Petitioner to bring a "second or successive" habeas petition
28 challenging his 1998 conviction and/or sentence. See Young v. State of California, ED CV 11-566-AHM(E); Young v. Horel, ED CV 08-454-AHM(E); Young v. Harrison, CV 04-9884-AHM(E).